



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Rabbani et al

Serial No. 08/978,637

Filed: November 25, 1997

Title: COMPOSITION OF MATTER COMPRISING
PRIMARY NUCLEIC ACID COMPONENT

Group Art Unit: 1635

Examiner: M. Schmidt

527 Madison Avenue, 9th Floor
New York, New York 10022
October 27, 2003

FILED VIA EXPRESS MAIL

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SECOND INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§1.56 & 1.971.98

Dear Sirs:

Pursuant to the provisions of 37 C.F.R. §1.971.98, and in full compliance with their duty of disclosure under 37 C.F.R. §1.56, Applicants, through their attorney, are bringing the following sixteen (16) documents to the attention of the U.S. Patent and Trademark Office and the Examiner handling their above-identified application:

10/31/2003 SSITHIB1 00000105 051135 08978637
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Enz-53(D5)

Rabbani et al

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Page 2 [Second Information Disclosure Statement

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I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.110 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Cheryl H. Agris

Cheryl H. Agris
Reg. Exhibit 34,086

10/27/03

Date

1. Chang, H-K, et al, "Block of HIV-1 infection by a combination of antisense tat RNA and TAR decoys: a strategy for control of HIV-1," Gene Therapy, Vol 1(3):208-216 (1994) [EXHIBIT 1]
2. Cohli, H., et al, "Inhibition of HIV-1 multiplication in a human CD4 lymphocytic cell line expressing antisense and sense RNA molecules containing HIV-1 packaging signal and rev response element(s)," Antisense Research and Development, Vol. 4:19-26 (1994) [EXHIBIT 2]
3. Tani, T., et al, "Activity of chimeric RNAs of U6 snRNA and (-)sTRSV in the cleavage of a substrate RNA," Nucleic Acids Research, Vol. 20(12):2991-2996 (1992) [EXHIBIT 3]
4. Michael, W.M., et al, "Signal sequences that target nuclear import and nuclear export of pre-mRNA-binding proteins," Cold Spring Harbor Symposia on Quantitative Biology, Vol. 60:663-668 (1995) [EXHIBIT 4]
5. McBride, K.E., et al, "Controlled expression of plastid transgenes in plants based on a nuclear DNA-encoded and plastid-targeted T7 RNA polymerase," Proc. Natl. Acad. Sci. USA, Vol. 91:7301-7305 (1994) [EXHIBIT 5]
6. Afione, S.A., et al, "Gene therapy vectors as drug delivery system," Clin. Pharmacokinet, Vol. 28(3):181-189 (1995) [EXHIBIT 6]
7. Wagner, E., et al, "Coupling of adenovirus to transferring-polylysine/DNA complexes greatly enhances receptor-mediated gene delivery and expression of transfected genes," Proc. Natl. Acad. Sci. USA, Vol. 89:6099-6103 (1992) [EXHIBIT 7]
8. Fuerst, T.R., et al, "Eukaryotic transient-expression system based on recombinant vaccinia virus that synthesizes bacteriophage T7 RNA polymerase," Proc. Natl. Acad. Sci. USA, Vol. 83:8122-8126 (1986) [EXHIBIT 8]
9. Chatterjee, S., et al, "Dual-target inhibition of HIV-1 in vitro by means of an adeno-associated virus antisense vector," Science, Vol. 258:1485-1488 (1992) [EXHIBIT 9]
10. Mason, J., et al, International Patent Application WO 95/19428; "Retroviral vector particles for transducing non-proliferating cells," published July 20, 1995 [EXHIBIT 10]

11. Comb, D.G., et al., European Patent Application 0 547 920 A2, "Recombinant thermostable DNA polymerase from archaeobacteria," published June 23, 1993 [EXHIBIT 11]
12. Livi, G.P., et al, International Patent Application WO 94/20079; "Human brain phosphodiesterase," published September 15, 1994 [EXHIBIT 12]
13. Overell, R.W., et al, International Patent Application WO 95/28494, "Gene delivery fusion proteins," published October 26, 1995 [EXHIBIT 13]
14. Bushman, Frederic D., International Patent Application WO 95/32225, "Method for site-specific integration of nucleic acids and related products," published November 30, 1995 [EXHIBIT 14]
15. Jolly, D.J., et al, International Patent Application WO 95/31566; "Compositions and methods for targeting gene delivery vehicles," published November 23, 1995 [EXHIBIT 15]
16. Teem, J.L., et al, "Expression of a beta-galactosidase gene containing the ribosomal protein 51 intron is sensitive to the rna2 mutation of yeast," Proc. Natl. Acad. Sci., Vol. 80(14): 4403-4407 (1983) [EXHIBIT 16]

The first fifteen (15) foregoing references (numbers 1-15) were cited in the European Search Report dated September 20, 1999. Reference 16 recently came to the attention of the application's assignee.

A completed Form PTO-1449 listing the 16 above-submitted documents is also attached hereto as Exhibit 17.

By this voluntary citation of art, Applicants and their attorney are requesting that the documents be made of record in the present application.

The above citation of documents is not a representation that these documents constitute a complete or exhaustive listing, nor that the above listing necessarily includes the closest or most relevant documents, nor are these documents necessarily a complete listing of all documents known to Applicants or their attorney. It is simply a voluntary citation of documents made in good faith,

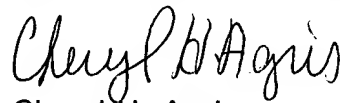
which is not intended to serve in any way as a substitute for the Examiner's own search.

In view of the general and specific features described and claimed in the present application, Applicants respectfully submit that the present invention is neither disclosed nor suggested by the documents referred to above and is thus patentably distinct thereover. Furthermore, Applicants do not believe, and do not submit, by the citation of these references, that these documents, either by themselves or in combination with other documents, render the invention *prima facie* obvious under the duty of disclosure rules.

Applicants respectfully request that the Examiner make the above-submitted documents of record in the instant application. Applicants further request that the Examiner consider these documents as any of them may relate to the instant application.

The fee under 37 C.F.R. §1.17(p) for filing this Information Disclosure Statement is \$180.00. The Patent and Trademark Office is hereby authorized to charge the amount of this fee (and any other fees in connection with this IDS) to Deposit Account No. 05-1135, or to credit any overpayment thereto.

Respectfully submitted,



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Atty. Docket No.
ENZ-53(D5)

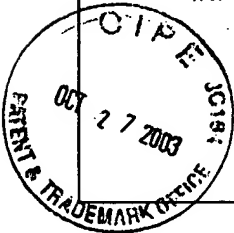
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INFORMATION DISCLOSURE CITATION
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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPRO- PRIATE

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN- SLATION YES NO
W O 9 5 1 9 4 2 8	7/20/95				
EP O 0 5 4 7 9 2 0	6/23/93				
W O 9 4 2 0 0 7 9	9/15/94				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Chang, H-K, et al, "Block of HIV-1 infection by a combination of antisense tat RNA and TAR decoys: a strategy for control of HIV-1," <u>Gene Therapy</u> , Vol 1(3):208-216 (1994)
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EXAMINER

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W O 9 5 3 1 5 6 6	11/23/95				

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	Afione, S.A., et al, "Gene therapy vectors as drug delivery system," <u>Clin. Pharmacokinet</u> , Vol. 28(3):181-189 (1995)
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